



Denman Island Local Trust Committee

Minutes of Regular Meeting

Date: November 14, 2023
Location: Denman Activity Centre
 1111 Northwest Rd, Denman Island, BC

Members Present: David Maude, Chair
 David Graham, Trustee
 Sam Borthwick, Trustee

Staff Present: Renée Jamurat, Regional Planning Manager
 Warren Dingman, Bylaw Compliance & Enforcement Manager (attended electronically)
 Narissa Chadwick, Island Planner (attended electronically)
 Vicky Bockman, Recorder

Others Present: Alex Allen, Hornby Island Trustee (attended electronically)
 Approximately 8 members of the public and no members of the media

1. CALL TO ORDER

"Please note, the order of agenda items may be modified during the meeting. Times are provided for convenience only and are subject to change."

Chair Maude called the meeting to order at 10:00 am. He acknowledged that the meeting was held on the territory of the Coast Salish First Nations. He welcomed the public, introduced himself, Local Trustees, staff and recorder.

2. APPROVAL OF AGENDA

By general consent the agenda was approved as presented.

3. REPORTS

3.1 Trustee Reports

Trustee Borthwick expressed his appreciation for the Housing Advisory Planning Commission's (HAPC) work and report on the Denman Island Housing Project referral.

Trustee Graham reported on his attendance at the Comox Valley Regional District Committee of the Whole. He summarized topics discussed there, which included First Nations Reconciliation and an affordable and emergency housing action plan. He provided notes with more information from the meeting for the record.

3.2 Chair's Report

Chair Maude reported on the following:

- He expressed appreciation for staff member, Wil Cottingham, for the assistance she provides with the electronic meetings.
- He reported that Executive Committee is reviewing the effective functioning of Trust Council including locations, number, and format of meetings.

3.3 Electoral Area Director's Report-none**4. PUBLIC COMMENTS**

- The HAPC Housing Report is impressive and supported. Items that might affect affordable housing that have not been addressed in the report include mapping software in the Islands Trust budget requests which will create more Development Permit Areas, and policies requiring applicants to provide security for Development Permits. The draft Housing Section of the revised Islands Trust Policy Statement includes a new policy, which will establish many new requirements. These new policies will require changes to the Official Community Plan (OCP) and Land Use Bylaw (LUB) and concern was expressed that these can be used to curtail affordable housing projects.
- Two of the proposed Land Use Bylaw No. 186 Contraventions and Penalties listed in Schedule A of the Bylaw Enforcement Notice Amendment Bylaw, 2019, Amendment No. 1, 2023 Staff Report were opposed: 1.3.5 Non Permitted Use in Any Zone – too vague and might be used against housing infractions; 2.1.2 Non Permitted Use of Dwelling for Vacation Rental/Paying Guests – paying guests might include those renting a room for housing. Bylaw Enforcement oversight is an ongoing concern; the Local Trust Committee (LTC) was asked to create a Standing Resolution to require Bylaw Enforcement to give 24-hours' notice before conducting a site visit.
- Support for the HAPC Final Report findings was expressed and the HAPC members were thanked for their hard work.

5. DELEGATIONS - none**6. MINUTES****6.1 Local Trust Committee Minutes dated October 3, 2023 - for adoption**

By general consent the LTC minutes of October 3, 2023 were adopted.

6.2 Section 26 Resolutions-Without-Meeting Report - none**6.3 Advisory Planning Commission Minutes - none****7. BUSINESS ARISING FROM MINUTES****7.1 Follow-up Action List dated November 6, 2023**

A Trustee requested a status update on the July 25, 2023 Activity no. 6: “Staff to send a letter to First Nations to identify how they would like to be engaged on Denman Island’s Housing Review Project.”

- Planner Chadwick responded that this activity is in process. She reported that K’ómoks First Nation has requested a comprehensive package of requests for comments, including the Islands Trust Policy Statement, be forwarded as one package and not for each matter separately; and that respecting their request for engagement comments and working with this protocol is taking time.

8. APPLICATIONS AND REFERRALS - none

9. LOCAL TRUST COMMITTEE PROJECTS

9.1 Denman Housing Advisory Planning Commission Reporting - Final Report

HAPC Chair da Silva presented a document created to serve as a reading guide to the Final Report: “A Guide to the Denman Island Housing Advisory Planning Commission’s Final Report.”

Discussion of the HAPC Final Report, Guide, and next steps included the following:

- Chair Maude and Trustees thanked the HAPC members for their comprehensive work;
- The difference between requirements for Accessory Dwelling Units and Secondary Dwelling Units and rationale for addressing them separately was clarified;
- In Recommendation 3a of the report, Trustees suggested inserting the text “residential” after “combined” to read: Require a maximum combined residential floor area to minimize impacts of all housing;
- There are many educational opportunities within the report that might translate into published information for the public;
- Enforcement recommendations in the report might be best focused as a stand-alone project;
- HAPC inclusion in public discussions of the report was requested;
- Distribution of the Final Report and Guide for community information was suggested prior to a Community Information Meeting (CIM);
- Staff will provide an analysis of the Final Report including options and implications with consideration of public engagement in a LTC Special Meeting prior to a CIM;
- A CIM would provide an opportunity to introduce the public to the report with visual aids there to help people understand the proposed policies. HAPC review of material being presented prior to the meeting was supported.

DE-2023-069

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee receive the “Denman Island Housing Advisory Planning Commission Final Report of November 3, 2023” as well as “A Guide to the Denman Island Housing Advisory Planning Commission’s Final Report.”

CARRIED

DE-2023-070

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff print twelve or more copies of the Denman Island Housing Advisory Planning Commission Final Report of November 3, 2023 and accompanying Guide to the Denman Island Housing Advisory Planning Commission’s Final Report for distribution to the Denman Island community.

CARRIED

DE-2023-071

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff post the Denman Island Housing Advisory Planning Commission Final Report of November 3, 2023, A Guide to the Denman Island Housing Advisory Planning Commission’s Final Report, and related correspondence to the Denman Island Projects web page.

CARRIED

DE-2023-072

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to provide an analysis of the Housing Advisory Planning Commission recommendations and schedule a Special Meeting via Zoom at the beginning of 2024 to discuss options and next steps.

CARRIED

10. CORRESPONDENCE

(Correspondence received concerning current applications or projects is posted to the LTC webpage)

10.1 Email dated September 28, 2023 from S. Small regarding Support of Advisory Planning Commission's Recommendations for Short-Term Vacation

Received for information.

11. REPORTS

11.1 Trust Conservancy Report - none

11.2 Applications Report dated November 6, 2023

A Trustee commented that concerns have been heard regarding the work to stabilize the environmentally sensitive shoreline at Gravelly Bay. It was pointed out that BC Ferries application DE-DVP-2023.1 does not involve the terminal expansion.

11.3 Trustee and Local Expense Report dated August, 2023

Received for information.

11.4 Adopted Policies and Standing Resolutions

- Status of Policy No. 6a) regarding introduction of Trustees and staff and providing an update of current projects and advocacy activities to First Nations was requested. Staff will research current status.
- Policy No. 8's Cumulative Total of Residential Densities Remaining requires updating.
- Concern was expressed that Policy No. 10 initiated in 2021 regarding visitor accommodation is a temporary policy until the regulation is reviewed. Addressing this regulation might be considered when there is capacity to undertake a new project in the work program.

11.5 Local Trust Committee Webpage

In discussion of agenda item 9.1, the LTC requested that staff post the Denman Island Housing Advisory Planning Commission Final Report of November 3, 2023, A Guide to the Denman Island Housing Advisory Planning Commission's Final Report, and related correspondence to the Denman Island Projects web page.

11.6 Residential Density Bank Update - verbal update

Planner Chadwick confirmed that the remaining cumulative total of residential densities remaining in the Residential Density Bank is seven.

DE-2023-073

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee adopt the following Standing Resolution with respect to the available residential densities resulting from Section E.1, policy 11 and Appendix D, "Residential Density Bank" of the Denman Island Official Community Plan:

Whereas the Local Trust Committee sets out the current available residential densities in this density register and that the register be updated from time to time to show additions and withdrawals as they occur:

- a. The Denman Island Official Community Plan "Residential Density Bank" in Appendix D has last added or transferred to the bank on February 7, 2023 and has a cumulative total of residential densities of 7;
- b. The Denman Island Official Community Plan Housing Policy 11 in Section E.1 allows for a residential density increase of approximately 5 percent beyond that permitted by existing zoning at the time of adoption of the Official Community Plan on May 15, 2009 to accommodate zoning amendments for special needs and affordable

housing, secondary dwelling units approved by the Denman Island Local Trust Committee under Temporary Use Permit and site specific zoning amendment applications under Policy 29 of Section E.1

CARRIED

11.7 Bylaw Enforcement Notice Amendment Bylaw, 2019, Amendment No. 1, 2023 - Staff Report

Bylaw Compliance and Enforcement Manager Dingman presented the Staff Report that asks the LTC to consider amendments to the contravention schedule for the Denman Island Bylaw Enforcement Notification Bylaw, 2019 and enforcement options to provide additional oversight for the system.

DE-2023-074

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request regular reporting from the Bylaw Compliance & Enforcement Manager so that the Local Trust Committee can review and prioritize enforcement and enforcement resources.

CARRIED

Discussion followed on the proposed amendments to the contraventions and penalties Schedule A:

- Trustees expressed concern that including 1.3.5 “Non Permitted Use in Any Zone” in the contravention schedule was too broad and might be used for any bylaw infraction.
- The purpose of inclusion of 1.3.5 “Non Permitted Use in Any Zone” was explained by Bylaw Compliance & Enforcement Manager Dingman as a tool to prohibit environmental contraventions such as dumping of waste on land or in water not specifically addressed in the LUB.
- Adding a regulation to the LUB to address dumping of waste on land or in water might be considered as a future project.

DE-2023-075

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to amend the proposed Denman Island Land User Bylaw No. 186 Contraventions and Penalties Schedule A to remove Bylaw Section 1.3.5 but adopt the remaining Bylaw sections.

CARRIED

DE-2023-076

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee rescind third reading of Bylaw No. 247, cited as “Denman Island Local Trust Committee Bylaw Enforcement Notifications Bylaw, 2019, Amendment No. 1, 2023.”

CARRIED

DE-2023-077

It was MOVED and SECONDED,

that Bylaw No. 247, cited as “Denman Island Local Trust Committee Bylaw Enforcement Notification Bylaw, 2019, Amendment No. 1, 2023,” be amended by replacing the original Schedule A with the amended revised Schedule A, Denman Island Land Use Bylaw No. 186 Contraventions and Penalties, submitted with this Staff Report dated October 3, 2023.

CARRIED

DE-2023-078

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee Bylaw No. 247, cited as “Denman Island Local Trust Committee Bylaw Enforcement Notification Bylaw, 2019, Amendment No. 1, 2023,” be read a third time.

CARRIED

DE-2023-079

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee Bylaw No. 247, cited as “Denman Island Local Trust Committee Bylaw Enforcement Notification Bylaw, 2019, Amendment No. 1, 2023,” be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

In discussion, Trustee Borthwick expressed his frustration that this work was not previously forwarded to the Executive Committee in a timely manner, and objected to the process that did not immediately inform the Local Trust Committee of feedback.

CARRIED

DE-2023-080

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee adopt a Standing Resolution that Bylaw Enforcement personnel give a minimum of 24 hours notice before conducting a site visit and that they schedule a time with the property owner.

CARRIED

In discussion, Bylaw Enforcement Compliance & Enforcement Manager Dingman pointed out that Bylaw Enforcement staff do follow the existing law that a dwelling inspection requiring entry into a residence requires 24 hours notice and obtaining the occupant’s consent, noting that most of their work involves land inspections with in-residence inspections rarely occurring. There are occasional necessary exceptions requiring on-site serving a letter of notice of a future inspection.

12. CLOSED MEETING

12.1 Motion to Close the Meeting

DE-2023-081

It was MOVED and SECONDED,

that the meeting be closed to the public in accordance with the *Community Charter*, Part 4, Division 3, s.90(2)(b) for the purpose of considering:

- (b) the consideration of information received and held in confidence relating to negotiations between the municipality and a provincial government or the federal government or both, or between a provincial government or the federal government or both and a third party

and that the Recorder and Staff attend the meeting.

CARRIED

The meeting closed to the public at 12:45 pm.

12.2 Recall to Order

The meeting was recalled to order at 1:45 pm.

13. NEW BUSINESS

13.1 Joint Discussion with Hornby Island Local Trust Committee on mutual BC Ferries Concerns

Discussion among Denman Island Trustees and Hornby Island Trustee Allen included the following points:

- The Denman Island LTC is drafting a letter to BC Ferries advocating for direct sailings to Hornby Island in response to the Denman Island Community's ongoing concern with Hornby traffic speeding across the island causing unsafe conditions.
- The larger ferry capacity is helping with the vehicle backup at Gravelly Bay; however, is not resolving the speeding problem.
- Denman Island has advocated for this change for many years with BC Ferries and has recently discussed with the Ferry Advisory Committee with no success.
- Hornby Islanders are frustrated with the boarding and offloading inconsistencies. Perhaps discontinuing the Hornby Island lane designation might reduce the perceived need to speed.
- The Denman Island LTC solicited input as to the Hornby Island community's position on the issue of a direct sailing to Hornby Island.
- If Hornby Island joins Denman Island with their request that BC Ferries research a direct sailing schedule and cost for a trial period it might strengthen the initiative.
- Trustee Allen commented that the Hornby Island community is divided on the issue of a direct sailing. To gather more information, he offered to canvas the Hornby Island community on an informal basis and, if a direct sailing is supported, could bring a motion to the Hornby Island LTC for action.

14. WORK PROGRAM

14.1 Active Projects Report dated November 6, 2023

Received for information.

14.2 Future Projects Report dated November 6, 2023

Received for information.

15. UPCOMING MEETINGS

15.1 Next Regular Meeting To Be Decided

16. ADJOURNMENT

By general consent, the meeting was adjourned at 2:27 pm.

David Maude, Chair

Certified Correct:

Vicky Bockman, Recorder